

RECEIVED
CENTRAL FAX CENTER

APR 13 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------------|--|------------------|---------------------|
| Applicant: | Kazue Tanaka | Examiner: | Francis J. Jaworski |
| Serial No: | 10/706,642 | Art Unit: | 3768 |
| Filed: | November 12, 2003 | Docket: | 17134 |
| For: | ULTRASONIC OPERATION APPARATUS FOR DETECTING INITIAL RESONANCE FREQUENCY AND FOR SHIFTING TO PLL OPERATION | Dated: | April 13, 2007 |

Confirmation No.: 7885Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

Pursuant to the restriction requirement imposed in the Official Action dated February 13, 2007, Applicant elects the claims of Group II, i.e., Claims 2-5 for continued prosecution herein.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to facsimile number 571-273-8300 at the U.S. Patent and Trademark Office on the date shown below.

Dated: April 13, 2007
Thomas Spinelli

g:\olympus\1494\17134\amend\17134.am1

Claims 1-34 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers that the following inventions are present in the claims:

Group I, Claims 1 and 25, drawn to an ultrasound driver and sweep operation control board, classified in class 601, subclass 2; and

Group II, Claims 2-5, drawn to an Ultrasound driver and sweep operation control portion and handpiece where the handpiece characteristic discrimination controls sweep operation control, classified in class 606, subclass 1;

Group III, Claims 6-18, 20 and 28-30, drawn to a driver and sweep operation control portion and handpiece where the sweep control includes sweep speed control and resonance point tracking, and method of sweep speed control changing, classified in class 606, subclass 1;

Group IV, Claims 19 and 31, drawn to a driver and sweep operation control portion and handpiece with rate of change control for frequency sweeping, classified in class 606, subclass 1;

Group V, Claims 21, 26 and 27, drawn to a driver and sweep operation control portion and handpiece where the handpiece discrimination includes detection based on the connection of the handpiece, classified in class 606, subclass 1; and

Group VI, Claims 22-24 and 32-34, drawn to a driver and sweep operation control portion and handpiece with sign phase change tracking, classified in class 606, subclass 169.

It is the Examiner's position that the inventions listed as Groups I-VI are distinct from each other.

In response to the Examiner's requirement for restriction, Applicant elects to prosecute the subject matter of Group I, Claims 2-5. However, Applicant reserves the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



Thomas Spinel
Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm/dg